



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 27 नवम्बर, 1964/6 अग्रहायण, 1886

GOVERNMENT OF HIMACHAL PRADESH LAND REFORMS DEPARTMENT NOTIFICATION

Simla-4, the 18th November, 1964

No. 1-27/64-LRC.—In exercise of the powers conferred by clause (i) of sub-section (2) of section 26, read with section 27 (5) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953, (Act No. 15 of 1954), the Lieutenant Governor, Himachal Pradesh, propose to make the following rules, which are hereby published as required by section 142 of the aforesaid Act, for the information of all persons likely to be affected thereby and notice is hereby given that the draft rules will be taken into consideration on or before the 10th December, 1964.

Any objection or suggestion which may be received from any person with respect to the said draft rules before the date specified above, will be considered by the Government.

Any objections and suggestions to the said draft rules should be addressed to the Additional Secretary (Revenue) to Himachal Pradesh Government, Simla-4.

DRAFT RULES

1. *Title and commencement.*—(i) These rules may be called the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms (Sanction of Rehabilitation Grant) Rules, 1964.

(ii) They shall come into force from the date of their publication in the Rajpatra.

2. *Meaning and expression used in these rules.*—In these rules unless the context otherwise requires:

- (a) "Act" means the 'Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953' (Act No. 15 of 1954).
- (b) "Section" means 'section' of the Act.
- (c) "Compensation Officer" means the person appointed as such by the State Government in terms of section 9 of the Act.
- (d) "Revenue Officer" means the Revenue Officer mentioned in section 109 of the Act.
- (e) "Land" has the same meanings as defined in the Act.
- (f) "Small landowner" means a landowner who as a result of operation of sub-section (1) and (2) of section 27 of the Act has been left with less than 5 acres of land and does not have any other means of livelihood:

Provided that the limit of five acres of land will not apply in case of Religious and Charitable institutions.

- (g) "Means of livelihood" would include—

- (i) any income derived or obtained by agriculture, horticulture, industry, business or any other source such as employment under the Central/State Government/Local Body/Private enterprise, Factory or Firm by the small landowner himself/herself or spouse, by his/her son/grandson or any other person to whom the property of the small landowner will pass after his/her death;
- (ii) any assignment of land revenue in *Jagir* paid by the State Government to the small landowner.
- (h) "Rehabilitation Grant" will include annuity and imply the amount which may be sanctioned by the Government of Himachal Pradesh either in lump sum or in the shape of annuity under sub-section (5) of section 27 of the Act.

3. *Admissibility of Rehabilitation Grant and Annuity.*—(i) In case of a small landowner who is not a Trust or Endowment or Religious/Charitable institution of public nature, the grant will be sanctioned in lump sum by way of an assistance to the grantee for subsistence purposes through gainful employment in cottage industry, horticulture, agriculture, dairy farming, poultry farming or any other business.

(ii) In case of a small landowner who is a Trust/Endowment or Religious/Charitable institution the grant may be sanctioned in the shape of an annuity (annual grant) for the purpose of meeting its day-to-day expenses connected with the payment of wages of the employees, for performance of religious rites and maintenance of the building and structures of the institution for genuine annual repairs etc., etc.

4. *Maximum limit of the Rehabilitation Grant/Annuity.*—(i) In case of a small landowner who is not a Trust or Endowment or Religious/Charitable institution of public nature, the amount payable as Rehabilitation Grant shall be equal to 24 (twenty-four) times of the amount of land revenue (excluding rates and cesses) in respect of the land vested in the State Government under section 27 (1) or (2) subject to a maximum of Rs. 5,000 (Five thousand). This grant will be in addition to the amount of compensation already received by the landowner concerned under section 27(3).

(ii) In case of a small landowner who is a Trust or Endowment or Religious/Charitable institution the amount of annuity which will be sanctioned by the State Government shall not exceed the difference between the amount of rent derived from the tenancy land on which right, title and interest of the Endowment etc., have been extinguished and the amount

of land revenue and cesses paid to the State Government per annum plus the amount of expenses incurred on collection of rents during the year preceding the vesting date:

Provided that the annuity will be sanctioned in lieu of the amount of compensation payable to such small landowner under section 27 (3):

Provided further that any amount of compensation already paid shall be adjusted against the amount of annuity:

Provided further that amount of the annuity (annual grant) will be paid in half-yearly instalments which shall be liable to be reduced by the State Government after every four years from the date of its sanction, on the recommendation of the Deputy Commissioners.

5. Manner of applying for Rehabilitation Grant/Annuity.—(i) After the amount of compensation permissible to the small landowner under sub-section (3) of section 27 of the Act has finally been determined and awarded by the Compensation Officer and any appeal against the order of the Compensation Officer/District Judge has been decided, the small landowner may apply for sanction of Rehabilitation Grant in lump sum/annuity (annual grant) as the case may be, to the Compensation Officer of the District in which the landowner resides or the endowment/religious or charitable institution is situated, in Form RHG-1, duly supported by a verification certificate. In addition to the application in Form RHG-1 one additional copy of Form RHG-2 in respect of each Tehsil/Sub-Tehsil in which the land of the landowner on which his/her/its right, title and interest have been extinguished was situate duly filled in by the small landowner shall also have to be furnished.

Note.—Application on behalf of and for any endowment/religious/charitable institution will be made by the duly appointed manager/caretaker/receiver.

(ii) Applications may be presented in person or sent by registered post to the Compensation Officer.

6. Procedure for dealing with the applications.—(i) The Compensation Officer on receipt of the application will enter the particulars of the same in the Register in Form RHG-3 which will be kept and maintained in his office.

(ii) The Compensation Officer after entering the particulars of the application in his register in Form RHG-3 will forward the Form RHG-2 to the Revenue Officer of the Tehsil/Sub-Tehsil for scrutiny and verification of the information given thereon in columns No. 1 to 5 by the help of the revenue records. The Revenue Officer after necessary scrutiny and verification of the information will return the form to the Compensation Officer with a verification certificate under his signature as early as possible.

(iii) The Compensation Officer on receipt of the Form RHG-2 duly scrutinised and verified by the Revenue Officers of the Tehsil/Sub-Tehsils shall, if necessary, correct the entries, in Form RHG-1 in his custody and place all the Form RHG-2 on the file. After this has been done the Compensation Officer shall issue a general notice for the information of all concerned allowing a period of 30 days for raising objections or claims to the application for grant in Form RHG-4.

(iv) In case no objection/claims are received before the specified date and if any objection/claims are received before the specified date then after the objections/claims are considered and disposed of, the Compensation Officer shall assess and determine the amount of Rehabilitation Grant in lump sum

or annual grant, as the case may be, in favour of the small landowner and pass his order to the effect on the file.

(v) As soon as the period of limitation against the order of the Compensation Officer expires or after the appeal against the order of the Compensation Officer/District Judge, if preferred, is decided the Compensation Officer shall issue a certificate of the grant in favour of the small landowner in Form RHG-5. One copy of the certificate in Form RHG-5 shall be forwarded to the Deputy Commissioner of the District for his information and necessary action as provided in the next following rule.

7. The Deputy Commissioner on receipt of the certificates as mentioned under rule 6 will cause the particulars of the same to be entered in the Register in Form RHG-6 to be kept and maintained by the District Revenue Accountant of his office.

8. As soon as the certificates in Form RHG-5 are entered in Register RHG-6, the amount required for making payment to the small landowner will be drawn by the Deputy Commissioner on simple receipt voucher under the head of account "92—Compensation to the landowners etc. on abolition of Zamindari System—Payment of Rehabilitation Grant to the small landowners." Disbursement of the amount shall be made against receipt in Form RHG-7, which shall be obtained in duplicate from the grantee or his authorised agent. Original copy shall be forwarded to the audit office concerned with monthly accounts. Duplicate copy shall be retained by the Deputy Commissioner for the record in his office.

Note:—"Authorised Agent" means a person authorised by the small landowner or the manager/trustee etc. of the endowment/religious/charitable institution to receive the amount on his behalf and holding a letter of authority to that effect from small landowner/manager/trustee etc. duly attested by any Magistrate. The Deputy Commissioner concerned before making the payment of the amount to the authorised agent shall satisfy himself about the genuineness of the letter of authority and also the identity of the authorised agent.

The Deputy Commissioner shall enter the amount drawn and disbursed in the cash book to be kept and maintained for the purpose by the District Nazir of his office. The account of the expenditure shall be rendered to the Land Reforms Commissioner on due dates in the monthly expenditure statement.

9. Every year funds will be provided by the Land Reforms Department from their Budget Grant under head "92—Compensation—Payment of compensation to the landowner on abolition of zamindari system—Payment of Rehabilitation Grant to the small landowners" for making disbursement of the amount sanctioned in lump sum and annual grant to the Deputy Commissioners.

10. Notices required to be issued and published under these rules shall be published by fixing a copy of the notice on the notice board of the office of the Compensation Officer/District Judge as the case may be, or at a conspicuous place in the locality the applicant resides is situate or any other manner laid down under sections 21, 22 and 23 of the Himachal Pradesh Land Revenue Act, 1953. A copy of the notice shall also be sent to the applicant concerned at his known address.

11. *Court fee.*—No court fee shall be payable on the applications for procurement of rehabilitation grant or annuity (annual grant), under these rules.

12. *Appeals.*—Any small landowner who is not satisfied with the amount sanctioned by the Compensation Officers in lump sum or annual grant may within 30 days from the date of the announcement of the award or order may file an appeal before the District Judge and against the award/order of the

District Judge within a period of 90 days before the Hon'ble Judicial Commissioner, Himachal Pradesh:

Provided that in case the amount awarded by the Compensation Officer is confirmed by the District Judge no further appeal shall be permissible.

FORM RHG-1

(See Rule 5)

APPLICATION FOR PROCUREMENT OF REHABILITATION GRANT UNDER SUB-SECTION (5) OF SECTION 27 OF HIMACHAL PRADESH ABOLITION OF BIG LANDED ESTATES AND LAND REFORMS ACT, 1953

Before the Compensation Officer of..... District at..... (Station).

Sir,

I..... son of..... age..... years, resident of..... Village..... Tehsil..... District, as a result of operation of sub-section (1) & (2) of section 27 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953, has been left with 5 acres/less than five acres of land and have got no other means of livelihood. It is, therefore, requested that reasonable Rehabilitation Grant in lump sum/in the shape of annuity (annual grant)* *against the amount of compensation awarded in my favour under section 27(3) of the Act which is lying in the revenue deposit in..... District*, as would be permissible under the provisions laid down under sub-section (5) of section 27 of the Act may kindly be sanctioned in my favour. Detailed information needed for the purpose is furnished as below:—

- (1) Name, parentage and other particulars of the applicant ..
- (2) Particulars of the land on which right, title and interest of the applicant have been extinguished:
 - (a) Name of Tehsil ..
 - (b) Name of village (Revenue Estate) ..
 - (c) Area (Acre/Bigha/Biswa) ..
 - (d) Cash value of the rent obtained from the tenants on land [col. (c)] during the year preceding vesting date ..
 - (e) Expenditure incurred on collection of rent ..
 - (f) Land Revenue plus rates and cesses paid to the Government for land [col. (c)] during the year preceding the vesting date. (Land Revenue plus rates and cesses should be, shown separately) ..
 - (g) Difference of the amount of col. (d) minus col. (e) plus (f). ..
3. Details of the members of the family of the applicant ..
4. Details of the area of land the applicant has been left with as a consequence of operation of section 27(1) & (2) of the Act: ..

*Applicable in case of Trust/Endowment or Religious/Charitable Institutions.

- (a) Tehsil ..
- (b) Village (Revenue Estate) ..
- (c) Area (Acre/Bigha/Biswa) ..
- (d) Classification of land ..
- (e) Annual land revenue and rates and cesses (Land revenue, rates and cesses shall be shown separately)
- (f) Approximate annual net income from the land.
5. (a) Any other source of income viz., service under the Central & State Government Local Body/Private Enterprise/Factory or Firm by the applicant himself/herself or spouse/by his/her son/grandson and yearly income ..
- (b) Assignment of land revenue in *Jagir* paid to the applicant by the Government per year ..
6. Amount already received as compensation under section 27(3)/awarded as compensation under section 27(3) and is lying in the Revenue Deposit ..
7. Amount now claimed as Rehabilitation Grant in lump sum/annual grant ..

Yours faithfully,

.....(Signatures of applicant).

VERIFICATION

I.....s/o.....age.....year, the above-named applicant do hereby verify that the information furnished above at Sl. No. 1 to 6 is correct to the best of my knowledge and belief and nothing has been concealed.

Verified this.....day of the month of.....196 at.....

Signature of the applicant.....

FORM RHG-2

(See Rule 5)

THE HIMACHAL PRADESH ABOLITION OF BIG LANDED ESTATES AND LAND REFORMS (REHABILITATION GRANT) RULES, 1964

Tehsil-wise information furnished by Shri.....son of
.....resident of village.....Tehsil.....

District....., in connection with the procurement of Rehabilitation Grant/Annual Grant:

Sl. No.	Description of the information to be furnished	The information furnished by the applicant	Information found correct on scrutiny & verification from the Revenue Records & other sources by the Revenue Officer	Remarks
1	2	3	4	5
1.	Name and parentage and other particulars of the applicant			
2.	Particulars of the land on which right, title and interest of the applicant have been extinguished:			
	(a) Name of Tehsil			
	(b) Name of village (Revenue Estate)			
	(c) Area (Acre/Bigha/Biswa)			
	(d) Cash value of the rent obtained from the tenants on land [col. (c)] during the year preceding vesting date			
	(e) Expenditure incurred on collection of rent			
	(f) Land Revenue, plus rates and cesses paid to the Government for land [col. (c)] during the year preceding the vesting date (Land Revenue rates and cesses shall be shown separately).			
	(g) Difference of the amount of col. (d) minus col. (e) plus (f)			
3.	Details of the members of the family of the applicant.			
4.	Details of the area of land the applicant has been left with as a consequence of operation of section 27(1) & (2) of the Act:			
	(a) Tehsil			
	(b) Village (Revenue Estate)			

1	2	3	4	5
	(c) Area (Acre/Bigha/Biswa)			
	(d) Classification of land ..			
	(e) Annual land revenue and rates and cesses (Land revenue, rates and cesses should be shown separately) ..			
	(f) Approximate annual net income from the land.			
5.	(a) Any other source of income viz., service under the Central/State Government/Local Body/Private Enterprise, Factory or Firm by the applicant himself/herself or spouse/by his/her son/grandson and yearly income.			
	(b) Assignment of land revenue in <i>Jagir</i> paid to the applicant by the Government per year:			

.....
Signature of applicant.

OFFICE OF THE COMPENSATION OFFICER.....DISTRICT AT
.....(STATION).

No.....

Dated the.....

Forwarded to the Revenue Officer (Tehsildar/Naib-Tehsildar) of Tehsil/Sub-Tehsil for scrutiny and verification of the information given at serial No. 1 to 5 and early return.

Compensation Officer.....
.....District.

No.....

Dated the.....

Certified that the information given at column No. 1 to 5 above have been enquired into and verified from the entries existing in the Revenue Record and other sources and the result of which has been recorded against each item. Hence returned to the Compensation Officer.....
(District) for further necessary action.

.....
Revenue Officer.

FORM RHG-3

(See Rule 6)

THE HIMACHAL PRADESH ABOLITION OF BIG LANDED ESTATES AND LAND REFORMS (REHABILITATION GRANT)

RULES, 1964

Register of Files regarding sanction of Rehabilitation Grant

OFFICE OF THE COMPENSATION OFFICER.....DISTRICT

1. Serial No.

2. Date of receipt of application ..

3. Particulars of the applicant ..
4. Amount claimed as Rehabilitation Grant: ..
 - (a) Lump sum ..
 - (b) Annual Grant ..
5. Abstract order of award with date and amount sanctioned by:—
 - (a) Compensation Officer: ..
 - (i) Lump sum ..
 - (ii) Annual Grant ..
 - (b) District Judge: ..
 - (i) Lump sum ..
 - (ii) Annual Grant ..
 - (c) Judicial Commissioner: ..
 - (i) Lump sum ..
 - (ii) Annual Grant ..
6. Date of despatch of the file to the Record Room ..
7. Acknowledgement of the officer in charge of the Record Room and date ..
8. Remarks ..

FORM RHG-4
[See rule 6(iii)]

THE HIMACHAL PRADESH ABOLITION OF BIG LANDED ESTATES AND LAND REFORMS (REHABILITATION GRANT) RULES, 1964

Before the Compensation Officer.....District at.....
(Station).

To
All persons concerned.
Whereas Shri.....son of.....resident
of village.....Tehsil.....District.....a
small landowner has approached this office requesting for sanction of an
amount of Rs.....as rehabilitation grant in lump sum/annual
grant in his favour as permissible under the provisions contained under sub-
section (5) of section 27 of the Himachal Pradesh Abolition of Big Landed
Estates and Land Reforms Act, 1953;

Now, therefore, in pursuance of sub-rule (3) of rule 6 of the Himachal
Pradesh Abolition of Big Landed Estates and Land Reforms (Rehabilita-
tion Grant) Rules, 1964 it is hereby notified for the information of all persons
concerned that any objection or claim to the request of the
applicant in regard to the procurement of the grant shall be received by the
undersigned by.....(date). Any person having any
objection to make in the matter may do so in writing addressed to the under-
signed on or before the date specified above. Any objections received there-
after shall not be entertained.

Given under my hand and seal, this.....day of.....
196 .

(Seal).

Compensation Officer,
.....District.

FORM RHG-5

[See Rule 6(v)]

**THE HIMACHAL PRADESH ABOLITION OF BIG LANDED
ESTATES AND LAND REFORMS (REHABILITATION GRANT)
RULES, 1964**

Certificate of rehabilitation grant in lump sum/annual grant sanctioned in favour of Shri.....son of.....resident of village.....Tehsil.....District.....under these rules.

Whereas Shri.....son of.....resident of village.....Tehsil.....District had applied for sanction of rehabilitation grant/annual grant admissible to the small land-owners as laid down under sub-section (5) of section 27 of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953.

And whereas after making thorough enquiries into the matter as laid down under these rules, it is satisfied that Shri.....above mentioned fulfils the conditions governing such grant;

Now, therefore, an amount of Rs.....(in words) in pursuance of Rule 6(v) is hereby sanctioned in his favour and awarded by the undersigned/District Judge/Judicial Commissioner, Himachal Pradesh vide award dated.....and this certificate is granted to Shri.....above-mentioned. He shall now approach the Deputy Commissioner of the District and receive the payment of the same in lump sum/half yearly instalment/1st instalment during the month of August and 2nd instalment during the month of February. A copy of this certificate is also being forwarded to the Deputy Commissioner of the District.....

Compensation Officer,
.....

Copy forwarded to the Deputy Commissionerfor information and necessary action. Shri.....above-mentioned may be paid an amount of Rs.....(in words) in lump sum/annual grant in two half yearly equal instalments on due dates.

Compensation Officer,
.....

FORM RHG-6

(See Rule 7)

**THE HIMACHAL PRADESH ABOLITION OF BIG LANDED
ESTATES AND LAND REFORMS (REHABILITATION GRANT)
RULES, 1964**

Register of Rehabilitation Grant in lump sum/Annual Grant

OFFICE OF THE DEPUTY COMMISSIONER.....DISTRICT.

1. Serial No.
2. Date of receipt of certificate of grant ..
3. Particulars of the Compensation Officer from whom received ..

4. Particulars of the grantee ..
5. Amount sanctioned:
 - (a) Lump sum ..
 - (b) Annual grant ..
6. Date of payment:
 - (a) Lump sum ..
 - (b) Annual grant:
 - (i) First half-yearly instalment ..
 - (ii) 2nd half-yearly instalment ..
7. Initials (with date) of the officer making disbursement of the amount ..
8. Remarks ..

FORM RHG-7
(See Rule 8)

THE HIMACHAL PRADESH ABOLITION OF BIG LANDED
ESTATES AND LAND REFORMS (REHABILITATION GRANT)
RULES, 1964

*Form of Receipt for payment of Rehabilitation Grant sanctioned in lump sum/
annual grant under sub-section (5) of section 27 of Act No. 15 of 1954*

I, son of Shri
resident of village Tehsil
District, do hereby acknowledge to have received a sum of Rs.
(in figures) *(in words) (on behalf of Shri
..... son of Shri resident of
village Tehsil in whose favour the
amount has been sanctioned and who has authorised me to receive the pay-
ment of the amount *vide* letter of authority date which
is enclosed herewith in original being the amount of rehabilitation grant/1st/
2nd instalment of the annual grant).

Date *Signature of payee.*
Paid in my presence in cash to the above person the sum of Rs.
(in figure) (in words).

Dated *Signature of the officer making
disbursement on behalf of the
Deputy Commissioner.*

*To be used when payment is made through an authorised agent.

By order,
C. L. KAPILA,
Additional Secretary (Revenue).

